

## Message Text

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ACTION ERDA-07

INFO OCT-01 EUR-12 ISO-00 OES-06 L-03 CEA-01 ACDA-10 NRC-07

PM-04 CIAE-00 INR-07 NSAE-00 /058 W

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R 091620Z JUL 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 2828

INFO USMISSION EC BRUSSELS

UNCLAS PARIS 20077

DEPT PASS ERDA, INTERNATIONAL ACTIVITIES

E.O. 11652: N/A

TAGS: TECH, FR

SUBJECT: ERDA-CEA GENERAL NUCLEAR AGREEMENT

REF: STATE 140012

1. FROM THIS EMBASSY'S POINT OF VIEW, THE FOLLOWING  
REPRESENTS A BRIEF SUMMARY OF THE STATUS OF THE  
GENERAL AGREEMENT AND ITS EXISTING DRAFT PROTOCOLS:

A. GENERAL AGREEMENT: ARTICLE 2, CEA MAY WISH TO  
COMMENT ON THE PROPOSAL BY ERDA TO DROP REFERENCE TO  
ENRICHMENT AND REPROCESSING. ALTHOUGH THIS WAS DISCUSSED AT  
WASHINGTON IN MAY, CEA WANTS TO RESERVE THE MOTION THAT THEY  
MAY MAKE FUTURE COMMENTS ON THE MATTER.

B. GENERAL AGREEMENT, ARTICLE 8. CEA HAS REVIEWED THE COMMENTS  
PROVIDED BY ERDA AND STILL HAS A GREAT DEAL OF DIFFICULTY WITH  
THE APPLICATION OF THE CONCEPT OF "FIRST ACTUALLY REDUCED TO  
PRACTICE". A SUMMARY OF CEA VIEW ON THIS ARTICLE IS CONTAINED  
LATER IN THIS TELEGRAM.

C. GENERAL AGREEMENT, ARTICLE 12, CEA IS REDOING  
LANGUAGE TO THE EFFECT THAT COOPERATION SHALL BE IN ACCORDANCE  
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WITH THE LAWS AND REGULATIONS OF THE COUNTRY IN WHICH THE SPECIFIC

ACTIVITY IS BEING CARRIED  
OUT.

D. LMFBR PROTOCOL, ARTICLE 2, AREAS 1, AND 2.

ERDA COMMENTS CONTAINED REFTEL TRANSMITTED TO CEA JULY 1.

3. LMFBR PROTOCOL, ARTICLE 2, AREAS 3-10 VENDRYES TO ROBERTS  
LETTER, AWAITING FINAL SIGNATURE, CONTAINS CEA'S DETAILED RESPONSE  
TO ERDA PROPOSAL CONTAINED STATE 100849. THIS RESPONSE IS EXPECTED  
TO BE MUCH CONDENSED COMPARED TO ERDA PROPOSALS, ALTHOUGH  
MORE EXPANSIVE THAN THE EXISTING TEXT OF THE DRAFT PROTOCOL.

F. HTGR PROTOCOL, ARTICLE 4, CEA ASSUMES ERDA WILL REDO AND  
EXPANDED VERSION OF THIS ARTICLE, ALTHOUGH IT UNDERSTANDS ERDA  
AWAITING RECEIPT OF CEA'S  
REVISIONS TO THE LMFBR PROTOCOL, ARTICLE 2, AREAS 3-10.

G. WASTE MANAGEMENT PROTOCOL, CEA AWAITING ERDA COMMENTS TO  
ITS DRAFT DELIVERED TO ERDA AT THE MAY 10 MEETING IN WASHINGTON.

2. DETAILED CEA VIEWS ON PROPOSED ERDA REVISIONS TO ARTICLE 8  
OF THE GENERAL AGREEMENT:

A. IN THE FIRST SENTENCE OF PARA 1, CEA WISHES THE LANGUAGE  
TO BE AS SPECIFIC AS POSSIBLE AS TO WHAT IS COVERED BY THIS  
ARTICLE, THUS, ITS PROPOSAL IS TO HAVE THE SENTENCE READ IN PART:  
" 8, IN THE COURSE OF THE COOPERATIVE ACTIVITIES UNDERTAKEN  
BY THE PARTIES UNDER THIS AGREEMENT THROUGH APPLICATION  
OF ITS PROTOCOL:"

B. IN SUBPARA A, CEA CONTINUES ITS REQUEST THAT "OR FIRST ACTUALLY  
REDUCED TO PRACTICE" BE DELETED.

C. SUBPARA B CEA WANTS TO SEPARATE INTO TWO PORTIONS: ONE HAVING  
TO DO WITH INVENTIONS CONCEIVED AND THE OTHER DEALING WITH INVENTIONS  
REDUCED TO PRACTICE. ALTHOUGH IT DOES NOT HAVE CONSIDERED LANGUAGE  
TO OFFER, CEA CANNOT ACCEPT THE POSSIBLE SITUATION WHERE A CEA  
INVENTION, PATENTED IN FRANCE AND POSSIBLY PATENTED IN THE US, IS  
"ACTUALLY REDUCED TO PRACTICE" UNDER THE AGREEMENT, WITH THE RESULT  
THAT ERDA HAS ALL RIGHT, TITLE, AND INTEREST IN THE U.S. AND IN  
THIRD COUNTRIES IF THE REDUCTION TO PRACTICE OCCURED IN THE U.S.  
CEA CAN ACCEPT ERDA HAVING A ROYALTY-FREE LICENSE VALID IN THE U.S.  
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TO CEA LICENSE FIRST ACTUALLY REDUCED TO  
PRACTICE UNDER THIS AGREEMENT. CEA IS PREPARING LANGUAGE TO  
REFLECT THIS VIEW. THIS EMBASSY WOULD APPRECIATE ERDA'S COMMENTS  
ON THIS MATTER TO ASSIST US IN DISCUSSING THE SUBJECT WITH CEA.

D. SUBPARA C, FIRST SENTENCE. CEA BELIVES THE END OF THE FIRST  
SENTENCE BEGINNING WITH THE WORDS "CONCEIVED OR FIRST" SHOULD BE  
DELETED AS BEING UNNECESSARY AND ALREADY STATED.

E. SUBPARA D SHOULD INCLUDE AN ADDITIONAL PHRASE TO READ IN PART:  
"AN APPROPRIATE DISTRIBUTION OF RIGHTS TAKING INTO ACCOUNT EXISTING

COMMITMENTS WITH THIRD PARTIES; PROVIDED". THIS IS DESIRED BY CEA  
TO ENSURE DUE RESPECT FOR ANY EXISTING COMMITMENTS IT MAY HAVE WITH  
LICENSEES OF ITS PATENTS WHICH FALL SUBJECT TO THIS SUBPARA.

F. CEA AGREES WITH THE ERDA PROPOSAL FOR THE NEW SUBPARA E.

3. APPRECIATE ERDA COMMENTS ON ARTICLE 8 AS ABOVE REQUESTED AND ITS  
VIEWS ON THE STATUS OF THE AGREEMENT AND ITS DRAFT PROTOCOLS  
IF DIFFERENT FROM THAT CONTAINED IN THIS CABLE.  
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**Film Number:** D760266-0748  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ERDA  
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**Original Previous Classification:** n/a  
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